

**REMARKS**

As an initial matter, Applicant wishes to thank Examiner Kumar for the courtesy extended to Applicant's representative during the telephone interview on September 13, 2011. During the telephone interview, the Examiner acknowledged Applicant's proposed claim amendment overcomes the 35 U.S.C. 35 U.S.C. §103(a) claim rejection over U.S. Patent 4,723,660 to Sjöberg in view of U.S. Patent 6,321,914 to Magnusson et al. The Examiner also acknowledge that Applicant's clarification of the angle of the claimed sloping sides distinguishes over Magnusson. Applicant submits that the claim amendment, new claims, and following remarks reflect the substance of the interview and are consistent with the Examiner's summary.

Consistent with the interview, Applicant amends claim 1 and adds new claims 10 and 11. No new matter has been added. The originally-filed application supports the claim amendment and new claims. For example, support is found in the original specification, e.g., in Figs. 1, 2a, 2b.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-9 under 35 U.S.C. §103(a) over Sjöberg in view of Magnusson because the cited combination of references does not disclose or suggest the claimed subject matter.

As discussed during the interview, amended, independent claim 1 is patentably distinguishable from Sjöberg in view of Magnusson. Particularly, neither Sjöberg nor Magnusson, alone or in combination, discloses or suggests at least "hinged segments

having an open cleft on a top of a ridge between . . . sloping sides of each segment," as recited in claim 1.

In the rejection of the previous version of claim 1, the Office Action equated the bottom gap between sides 12 of chain elements 11 of conveyor belt 10 in Sjöberg for the claimed open cleft. As can be seen from Figs. 12-16 of Sjöberg, chain elements 11 of conveyor belt 10 are constructed to have two sloping sides joined at a top of a ridge 14 and having a gap at the bottom (Figs. 13, 14 and 16) where they are connected to the upper rail guide (Figs. 12 and 15). During the interview, the Examiner agreed that Sjöberg does not disclose or suggest an open cleft at the top of chain elements 11.

Similarly, Magnusson does not have an open cleft at the top of ridged belts 3. Rather, as shown in Figs. 3 and 6, the ridged belts 3 are closed at the top. As stated in col. 2, ll. 31-33 of Magnusson, "[t]he ridged belts are composed of numerous units with a triangular cross-section and connected into a continuous band which is pulled over the rail guides." For at least these reasons, neither Sjöberg nor Magnusson, alone or in combination, discloses or suggests "hinged segments having an open cleft on a top of a ridge between . . . sloping sides of each segment," as recited in claim 1. Thus, claim 1 is patentable over Sjöberg in view of Magnusson.

Claims 2-9 are patentable at least for their dependence on claim 1.

New claims 10-11 are also patentable over Sjöberg in view of Magnusson. Neither Sjöberg nor Magnusson, alone or in combination, discloses or suggests at least "a plurality of hinged segments having a substantially U-shaped cross-section with sloping sides forming said substantially continuous sloping sides and a bottom portion

forming an angle in the range of about 70-85° with each sloping side,” as recited in claim 10.

New claim 10 clarifies the location of the claimed angle. For example, an exemplary embodiment of this angle is shown by reference number 8 in Fig. 2b of the as-filed application. As recited in claim 10 “a bottom portion [of each hinged segment] form[s] an angle in the range of about 70-85° with each sloping side.”

In contrast, Magnusson does not disclose or suggest the angle between bottoms of ridged belts 3 and their sloping sides of the belt segments or the sorting channels. Rather, it disclose the angle of inclination of the belt along “the direction of movement” of the belt. “Moreover the inclination of the ridged belts is approximately -3° to 25 in the direction of movement. At last the slant of the ridged belts is approximately 4-8°, more specifically 5-7° in the direction of movement.” Col. 3, lines 33-35 (emphasis added). This angle of inclination is representation by reference numeral 66 in Fig. 1 of Magnusson. During the interview, the Examiner indicated that Applicant’s clarification of the location of the claimed angle is not disclosed or suggested by Magnusson.

Sjöberg does not cure this deficiency of Magnusson. Sjöberg does not disclose any angles that could even hypothetically correspond to the claimed angled. For at least these reasons, neither Sjöberg nor Magnusson, alone or in combination, discloses or suggests “a plurality of hinged segments having a substantially U-shaped cross-section with sloping sides forming said substantially continuous sloping sides and a bottom portion forming an angle in the range of about 70-85° with each sloping side,” as recited in claim 10. Thus, claim 10 is patentable over Sjöberg in view of Magnusson.

Claim 11 is patentable at least for its dependence on claim 10 and for similar reasons as claim 1.

In view of the foregoing remarks, Applicant submits that the claims, as amended, are allowable. Applicant respectfully requests consideration of the amended claims, withdrawal of the rejections, and allowance of claims 1-11.

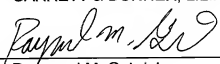
If there is any fee due in connection with the filing of this Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 7, 2011

By: \_\_\_\_\_

  
Raymond M. Gabriel  
Reg. No. 62,651

2614285\_1